

2. Plaintiff Linda Lawson-Kennedy, Individually on behalf of the Estate of Katherine Lawson, commenced this action on August 25, 2016 by filing an Original Petition in the 362nd Judicial District Court of Denton County, Texas, styled *Linda Lawson-Kennedy, Individually on Behalf of the Estate of Katherine Lawson v. Corinth Health Care, LLC d/b/a Corinth Rehabilitation Suites on the Parkway*, Cause No. 16-06853-362 (“State Court Action”). A copy of the docket sheet and all other process, pleadings, and orders served on Defendant and on file in the State Court Action are attached hereto as **Exhibit A**, as required by 28 U.S.C. § 1446(a).

3. This is a proceeding in which Plaintiff alleges various causes of action against Defendant, arising from and concerning the provision of healthcare to Plaintiff’s decedent, Katherine Lawson, while she was a resident at Corinth Rehabilitation Suites on the Parkway, a skilled nursing facility.

4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)(2)(B) in that Defendant was served on September 28, 2016 and therefore is removing within thirty (30) days of receipt of the “initial pleading setting forth the claim for relief upon which such action or proceeding is based . . .”

5. Pursuant to 28 U.S.C. § 1446(d), the Defendant will promptly serve a copy of this Notice of Removal upon counsel for the Plaintiff and will promptly file a copy of the same with the District Clerk of the 362nd Judicial District Court of Denton County, Texas.

**JURISDICTIONAL FACTS, ARGUMENT AND AUTHORITY
DEMONSTRATING REMOVAL IS PROPER**

6. Upon information and belief, at all times relevant to the Original Petition, Plaintiff’s decedent was a citizen and resident of Texas. Upon information and belief, the named Plaintiff is also a citizen and resident of Texas. *See* Original Petition, ¶¶ 3-4.

7. At the time of commencement of this proceeding and at all times at issue, Defendant Corinth Health Care, LLC d/b/a Corinth Rehabilitation Suites on the Parkway was and is a limited liability company organized and existing under the laws of Delaware. A limited liability company is assigned the citizenship of its members. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

8. The sole member of Defendant Corinth Health Care, LLC d/b/a Corinth Rehabilitation Suites on the Parkway is THI of Texas, LLC, so the citizenship of removing Defendant will be assigned by the citizenship of THI of Texas, LLC.

9. At the time of commencement of this proceeding and at all times at issue, Defendant THI of Texas, LLC was and is a limited liability company organized and existing under the laws of Delaware. The sole member of Defendant THI of Texas, LLC is THI of Baltimore, Inc., a Delaware corporation with its principal place of business in the state of Maryland. For the purposes of establishing federal diversity jurisdiction, “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business . . .” 28 U.S.C. § 1332(c).

10. Accordingly, for federal jurisdiction purposes, Corinth Health Care, LLC d/b/a Corinth Rehabilitation Suites on the Parkway is a citizen of Delaware and Maryland, given that its sole member, THI of Texas, LLC, is a citizen of both Delaware and Maryland. THI of Texas, LLC is a citizen of both Delaware and Maryland given that its sole member, THI of Baltimore, Inc. is a Delaware corporation with its principal place of business in Maryland.

11. Complete diversity of citizenship exists between the Plaintiff and Defendant pursuant to 28 U.S.C. § 1332, as Plaintiff and Defendant are citizens of different states.

12. Venue lies in this Court, i.e., the United States District Court for the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1441(a), because the original action was filed in a state court in the 362nd Judicial District Court of Denton County, Texas, located within the Northern District of Texas, Dallas Division. Venue therefore is proper in this Court because it is in the “district and division embracing the place where such action is pending.” *Id.*

13. Plaintiff’s Original Petition alleges that the negligent acts and omissions by Defendant were the proximate cause of the death of Plaintiff’s decedent. These proceedings are of a civil nature and involve a controversy wholly between citizens of different states. The value of the matter in dispute in said cause, upon information and belief, exceeds the sum of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs, as appears from the allegations contained in Plaintiff’s Original Petition. Plaintiff seeks damages from Defendant, including damages for past physical pain, past mental anguish, disfigurement, past physical impairment, past medical expenses, and funeral and burial expenses. *See* Original Petition ¶¶ 28. In light of the allegations alleged by Plaintiff, it is sufficiently probable and/or certain that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

PRAYER

14. **WHEREFORE**, Defendant Corinth Health Care, LLC d/b/a Corinth Rehabilitation Suites on the Parkway asks this Court to remove the action referred to as *Linda Lawson-Kennedy, Individually on behalf of the Estate of Katherine Lawson v. Corinth Health Care, LLC d/b/a Corinth Rehabilitation Suites on the Parkway*, Cause No. 16-06853-362 and filed in the in the 362nd Judicial District Court of Denton County, Texas, to this Federal District Court.

Respectfully submitted,

COOPER & SCULLY, P.C.

By: /s/ Jackie S. Cooper

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**ATTORNEYS FOR DEFENDANT CORINTH
HEALTH CARE, LLC D/B/A CORINTH
REHABILITATION SUITES ON THE PARKWAY**

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of October 2016, a true and correct copy this document has been served on counsel of record as follows:

Via E-Service

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